

REMARKS/ARGUMENTS

Claims 1, 2, 4-10, 12-18 and 20-29 are pending in the present application. Reconsideration of the claims is respectfully requested.

I. 35 U.S.C. § 103, Obviousness

Claims 1-2, 4-6, 9, 10, 12-24, 17, 18 and 20-22 stand rejected under 35 U.S.C. § 103 as being unpatentable over Brook (US 2002/0038320) in view of Call (US 2002/0143521). This rejection is respectfully traversed.

As an initial matter, due to the claim listing which lists the claims that are rejected under 35 U.S.C. § 103 as being unpatentable over Brook (US 2002/0038320) in view of Call (US 2002/0143521), it is believed there is a typographical error and that the listing of claims '12-24' was intended to be '12-14' due to the additional inclusion of Claims 17, 18 and 20-22 in the list of rejected claims. If this assumption is incorrect, further clarification is requested as to exactly which claims are rejected under 35 U.S.C. § 103 as being unpatentable over Brook (US 2002/0038320) in view of Call (US 2002/0143521) due to this confusing listing of duplicate rejected claims.

With respect to Claim 1, such claim recites “wherein said validity is determined according to a *logical combination of a plurality of status values in said member of said data structure*”. None of the cited references teaches or suggests this claimed feature of *how the validity is determined*. In rejecting Claim 1, the Examiner provides no objective evidence of where this claimed feature is taught or suggested by any of the cited references. The Examiner merely states that the cited Brook reference teaches ‘retrieving a data value from a character stream by processing a text stream and obtaining information for each character in the stream’ and ‘performing a validity test on each character in the stream’. The Examiner also states that the cited Call reference teaches ‘the use of a data structure, an array, to store and index using integer values of character data’. Notably absent in the characterization of the teachings of the cited references is any allegation that any of the cited references teach or suggest the claimed feature of “wherein said validity is determined according to a *logical combination of a plurality of status values in said member of said data structure*”. Instead, the Examiner merely alleges that the cited references teach ‘performing a validity test on each character’. Such ‘validity test’ allegation does not establish a teaching or suggestion of *how* such a validity test is performed, and it certainly does not establish any teaching or suggestion of the particular validity determination expressly recited in Claim 1 - wherein said validity is determined according to a *logical combination of a plurality of status values in said member of said data structure*. Thus, the Examiner has failed to properly establish a *prima facie*

showing of obviousness with respect to Claim 1¹, and thus the burden of proof has not shifted to Applicants to rebut the obviousness assertion². In addition, as a proper prima facie showing of obviousness has not been established with respect to Claim 1, it is shown that this claim has been improperly rejected under 35 U.S.C. § 103³.

Applicants traverse the rejection of Claims 2 and 4-6 for reasons given above with respect to Claim 1 (of which Claims 2 and 4-6 depend upon).

Applicants traverse the rejection of Claims 9, 10, 12-14, 17, 18 and 20-22 for similar reasons to those given above with respect to Claim 1.

Therefore, the rejection of Claims 1-2, 4-6, 9, 10, 12-24, 17, 18 and 20-22 under 35 U.S.C. § 103 has been overcome.

II. 35 U.S.C. § 103, Obviousness

Claims 7-8, 15-16 and 23-25 stand rejected under 35 U.S.C. § 103 as being unpatentable over Brook and Call in view of Zhao et al. (US 2002/0042707 A1), hereinafter referred to as Zhao. This rejection is respectfully traversed.

Applicants traverse the rejection of Claims 7-8 (and similarly for Claims 15-16 and 23-24) for reasons given above with respect to Claim 1 (of which Claims 7-8 depend upon), and urge that the additional cited reference to Zhao does not overcome the teaching/suggestion deficiency identified above with respect to Claim 1.

With respect to Claim 25, it is urged that none of the cited references teach or suggest the claimed feature of “wherein *a first status value* of said plurality of status values indicates whether said data value represents a valid character having a first attribute corresponding to said first status value and *a second status value* of said plurality of status values indicates whether said data value represents a valid character having a second attribute corresponding to said second status value”. In rejecting Claim 25, the Examiner states that “Claim 25 contain (sic) similar subject matter and are rejected under the same rationale as applied to claims 1, 5, 7 and 8”. Applicants urge that none of Claims 1, 5, 7 and 8 recite “wherein *a first status value* of said plurality of status values indicates whether said data value represents a valid character

¹ To establish prima facie obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art. MPEP 2143.03. *See also, In re Royka*, 490 F.2d 580 (C.C.P.A. 1974).

² In rejecting claims under 35 U.S.C. Section 103, the examiner bears the initial burden of presenting a prima facie case of obviousness. *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). Only if that burden is met, does the burden of coming forward with evidence or argument shift to the applicant. *Id.*

³ If the examiner fails to establish a prima facie case, the rejection is improper and will be overturned. *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988).

having a first attribute corresponding to said first status value and a *second status value* of said plurality of status values indicates whether said data value represents a valid character having a second attribute corresponding to said second status value”, which is expressly recited in Claim 25, and thus the Examiner’s mere reliance on the rationale used in rejecting Claims 1, 5, 7 and 8 as the sole reason for rejecting Claim 25 does not establish any teaching or suggestion of these missing claimed features recited in Claim 25. Accordingly, the Examiner has failed to properly establish a *prima facie* showing of obviousness with respect to Claim 25, and thus the burden of proof has not shifted to Applicants to rebut the obviousness assertion. In addition, as a proper *prima facie* showing of obviousness has not been established with respect to Claim 25, it is shown that this claim has been improperly rejected under 35 U.S.C. § 103.

Therefore, the rejection of Claims 7-8, 15-16 and 23-25 under 35 U.S.C. § 103 has been overcome.

III. 35 U.S.C. § 103, Obviousness

Claims 26-29 stand rejected under 35 U.S.C. § 103 as being unpatentable over Brook, Call and Zhao in view of Jurion et al. (US 6,631,501 B1), hereinafter referred to as Jurion. This rejection is respectfully traversed.

Applicants initially traverse the rejection of Claim 26 for reasons given above with respect to Claim 25 (of which Claim 26 depends upon), and urge that the additional cited reference to Jurion does not overcome the teaching/suggestion deficiency identified above with respect to Claim 25.

Further with respect to Claim 26, such claim recites “said first status value indicates whether said data value is a valid base character, said second status value indicates whether said data value is a valid digit character, and a third status value indicates whether said data value is a valid extender character”. As can be seen, Claim 26 recites three different status value indicators. In rejecting Claim 26, the Examiner acknowledges that the cited Brook/Call/Zhao references do not teach the features recited in Claim 26, but states that the cited Jurton reference ‘teaches that the characters analyzed can be a plurality if different types of characters which would implicitly include “base” characters, “digit” characters, and “extender” characters as claimed’. However, even assuming arguendo that Jurton implicitly teaches *different types of characters*, Jurton does not teach or suggest, nor has the Examiner alleged any teaching or suggestion of, three different *status value indicators* – a first status value, a second status value and a third status value, nor the details associated with each of these three explicitly enumerated status values (the first status value indicates whether said data value is a valid base character, said second status value indicates whether said data value is a valid digit character, and a third status value indicates whether said data value is a valid extender character). Instead, the Examiner merely alleges different character types

with no assertion of any status value indicators. Accordingly, the Examiner has failed to properly establish a prima facie showing of obviousness with respect to Claim 26, and thus the burden of proof has not shifted to Applicants to rebut the obviousness assertion. In addition, as a proper prima facie showing of obviousness has not been established with respect to Claim 26, it is shown that this claim has been improperly rejected under 35 U.S.C. § 103.

Applicants initially traverse the rejection of Claim 27 (and similarly for Claims 28 and 29) for reasons given above with respect to Claim 1 (of which Claim 27 depends upon), and urge that the additional cited reference to Jurion does not overcome the teaching/suggestion deficiency identified above with respect to Claim 1.

Applicants further traverse the rejection of Claim 27 (and similarly for Claims 28 and 29), for similar reasons to the further reasons given above with respect to Claim 26.

Therefore, the rejection of Claims 26-29 under 35 U.S.C. § 103 has been overcome.

IV. Conclusion

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,

/Wayne P. Bailey/

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